

1 **NYE COUNTY RESOLUTION NO. 2011-21**

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3 A RESOLUTION OF THE NYE COUNTY BOARD OF COMMISSIONERS RESOLUTION
4 SUPPORTING COMPLETION OF THE NUCLEAR REGULATORY COMMISSION'S REVIEW OF
5 THE YUCCA MOUNTAIN LICENSE APPLICATION

6 WHEREAS, the Nuclear Waste Policy Act of 1982, as amended, ("Act") selected Yucca
7 Mountain, located in Nye County as the only site to be characterized as the nation's first high-level
8 radioactive waste repository; and

9 WHEREAS, Congress in July 2002, in accordance with provisions of the
10 Act, as amended, overrode Nevada's notice of disapproval; and

11 WHEREAS, Yucca Mountain was designated to be the site for development of a permanent
12 repository for United States spent nuclear fuel and defense high level radioactive waste; and

13 WHEREAS, the U.S. Department of Energy ("USDOE"), in accordance with the Act, submitted
14 a License Application (LA) to the Nuclear Regulatory Commission (NRC); and

15 WHEREAS, that LA, in accordance with NRC regulations, was accepted for review by the NRC;
16 and

17 WHEREAS, the USDOE has since requested withdrawal of its submission of the LA "with
18 prejudice"; and

19 WHEREAS, the request for withdrawal has been denied by the Atomic Safety and Licensing
20 Board (ASLB) and challenged in Federal Court; and

21 WHEREAS, the Commissioners of the NRC have not issued a final ruling on their review of the
22 ASLB decision that USDOE does not have the legal authority to withdraw the Yucca Mountain license
23 application; and

24 WHEREAS, the nation needs to move forward on the established NWPA strategy that provides
25 for the permanent storage of spent nuclear fuel and high level waste; and,

WHEREAS, the Nye County Board of Commissioners (Board) recognizes that further delays in
the development of a permanent geologic repository will result in significant public expenditures and
potentially jeopardizes the future expansion of nuclear power production and energy independence; and

1 WHEREAS, the Board is convinced that until such time as the NRC completes its review of the
2 LA, Nye County, the State of Nevada and the nation will be denied a scientific and technical
3 determination of the potential of the Yucca Mountain repository to be built and operated safely and
4 successfully; and

5 WHEREAS, Nye County adopted Resolutions 2002-7, 2002-22 and 2004-25 defining the
6 County's involvement as the site county for the nation's geologic repository for spent nuclear fuel and
7 defense high level waste,


8 NOW THEREFORE, it hereby is resolved as follows:


- 9
- 10 1. The Yucca Mountain licensing proceedings should be restarted and the NRC should
11 complete a thorough and detailed review of the License Application; and
 - 12 2. If upon completion of the license application review by the NRC staff and the licensing
13 proceeding before the ASLB, the conclusion is that the Yucca Mountain repository can
14 be constructed and operated safely, Nye County reaffirms our prior resolutions and
15 supports such construction and operation consistent with these prior resolutions ; and

16 APPROVED this 15th day of March, 2011.

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18 NYE COUNTY BOARD OF
19 COUNTY COMMISSIONERS:

ATTEST:

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21 _____
22 Gary Hollis, Chairman

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21 _____
22 Sandra "Sam" L. Merlino, Nye County Clerk
And Ex-Officio Clerk of the Board

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